

**In the United States District Court  
for the District of OHIO**

FILED  
JOHN P. HEHMAN  
CLERK

2012 OCT 18 PM 1:39

James Darrin

v.

Timothy Franz GEITHNER

U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
WESTERN DIV. DAYTON

**3 : 12 cv 349**

**TIMOTHY S. BLACK**

**MICHAEL R. MERZ**

Civil Action

**Comes now** James Darrin of the STIDHAM family making a special visitation by absolute ministerial right to the district court, "restricted appearance" under Rule E(8). James Darrin expressly retains the right to amend this complaint according to law and response by the Defendant Timothy Franz GEITHNER. Jurisdiction of the district court falls under diversity of citizenship, Title 28 USC §1333 as James Darren does not endorse private credit from the Federal Reserve. Also Title 12 USC §341 allows that the Federal Reserve board may be sued for breach of trust or law.

**Law of the flag:** Man is created in the image of God and to reduce a man to chattel against the national debt is an affront to God. Exodus 13:16 and Genesis 1:27.

**Cause of action**

James Darrin has suffered injury for which relief may be granted by this district court of the United States because he has quit endorsing private credit from the Federal Reserve but the value of his lawful money currency is diminished as it is attached to Federal Reserve notes in value. Since making the demand for lawful money pursuant to Title 12 USC §411 James Darrin considers his pay to be tendered to him in US notes, that is not in reserve currency but in the physical form of Federal Reserve notes. On January 21, 1971 the Treasury chose to quit putting more US notes into circulation because Federal Reserve notes function adequately in all respects like US notes which are in all respects – *Juilliard v. Greenman* 110 US 421 – like Federal Reserve notes. See “Treasury Faqs” webpage – “Legal Tender Status”:

*United States notes serve no function that is not already adequately served by Federal Reserve notes. As a result, the Treasury Department stopped issuing United States notes, and none have been placed into circulation since January 21, 1971.*

Should the need arise, if the Treasury fails to refund James Darrin's withholdings, then the distinctions between reserve and non-reserve currencies will be detailed in the amended complaint.

This complaint is forthcoming because it has come to James Darrin's attention that when people have redeemed lawful money by demand for part or all of the tax year and file for the appropriate refund amount that IRS agents have been sending a letter threatening a \$5K frivolous filing penalty. James Darrin wishes to prevent this process with this preemptive claim expressed on both the 1040 Form and the 843 Form for Claim and Abatement. The recent letters cite a 2010 Memorandum that is both outdated, replaced by newer information and it does not apply in any way to redeeming lawful money according to the intent of Congress in the Federal Reserve Act §16 and its codification at Title 12 USC §411.

*...see Notice 2010-33, 2010-17 I.R.B., pp.609-12, which can be found on the Internal Revenue Service's website at [www.irs.gov](http://www.irs.gov) (see Notice 2010-33 at [http://www.irs.gov/irb/2010-17\\_IRB/ar13.html](http://www.irs.gov/irb/2010-17_IRB/ar13.html)).*

A careful reading reveals only one brief encounter with the term Redemption and that is apparently written as related to some unrelated patriot mythology about being outside the territorial United States:

**(6) A taxpayer has been untaxed, detaxed, or removed or redeemed from the Federal tax system though the taxpayer remains a United States citizen or resident, or similar arguments described as frivolous in Rev. Rul. 2004? 31, 2004?1 C.B. 617.**

There is another section in that cite that resembles *Redemption of Lawful Money*:

**(12) Federal Reserve Notes are not taxable income when paid to a taxpayer because they are not gold or silver and may not be redeemed for gold or silver.**

James Darrin acknowledges that there was a gold seizure in 1933 and that the law was amended to read, "They shall be redeemed *in lawful money* on demand..." in 1934. It would be great if Federal Reserve notes could be redeemed in gold and silver but hoping for that is unrealistic.

It is clear however that by Title 31 USC §5115 and *US v Ware*; 608 F.2d 400, United States notes are lawful money and they are not a reserve currency.

Title 31 §5115 (b) The amount of United States currency notes outstanding and in circulation—

(1) may not be more than \$300,000,000; and

(2) may not be held or used for a reserve.

*United States notes shall be lawful money, and a legal tender in payment of all debts, public and private, within the United States, except for duties on imports...*

So neither of the IRS agent instructions apply to redeeming lawful money by demand in this situation. James Darrin has been making his demands as evidenced according to law. Therefore he is not endorsing private credit from the Federal Reserve nor does he support building the national debt. James Darrin does not encourage fractional lending or the Fed's reserve currency but has been effectively using US notes in the form of Federal Reserve notes by necessity.

At this stage the complaint is simply a marker and an evidence repository. James Darrin attempted to file most of this Filing on 10/12/12 in a Miscellaneous Case filing for \$46 but the clerk of court refused to accept it. So the summons when served on GEITHNER is Notice that James Darrin expects supervisory action processing his tax return so to avoid ignorant IRS agents feeling that Title 12 USC §411 falls under any of the instructions found in the above memorandum to IRS agents.

To interfere with lawful money redemption by the Treasury – the Secretary – or by the United Nations – GEITHNER as US Governor for the International Monetary Fund would be a serious breach of fiduciary responsibility. Protecting the Federal Reserve from the expiration of the initial twenty-year charter (1913-1933) was a voluntary option of the American People and it still is by law. But this social contribution to the national debt has become such a problem that it is discouraging investors. On 10/12/12 the head of the IMF Christine LIGARD said in Tokyo:

*“Where should we see action? Certainly in Europe and more specifically in the Eurozone which is still at this time the epicenter of the crisis and where most urgent action is needed.”*  
[Narrator] Ms. LIGARD also criticized American leaders saying deadlock on how to treat the United States' burgeoning debt was spooking investors. In all she said that world recovery was being put in jeopardy by politics.

**Furthermore let it be on the record that if James Darrin had been informed in good faith that he had the option to redeem lawful money he would have been doing so since his first paycheck ever!**

**COURTS OF THE UNITED STATES ... 136.** When a seizure has been voluntarily abandoned, it loses its validity, and no jurisdiction attaches to any court, unless there be a new seizure. 10 Wheat. 325; 1 Mason, 361. *First Judiciary Act*, September 24, 1789. *Bouvier's Law Dictionary* 1856.

attachments fully incorporated:

- 1) 843 Form – Claim and Abatement
- 2) Notice and Demand in general form
- 3) Notice and Demand specifically to bank account
- 4) 1040 Form

5) paycheck copies evidence James Darrin's demands for lawful money.

James Darrin



[SEAL]

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